

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
Administrative Civil Liability Complaint R5-2015-0502, Recology Yuba Sutter

Recology's Witness List & Request for Additional Time
March 18, 2015

Recology requests additional time at the hearing that is scheduled to be held before the Central Valley Regional Water Quality Control Board in this proceeding on April 16-17, 2015. The Hearing Procedure currently provides for 30 minutes for Recology's testimony, arguments and cross-examination of the prosecution team's witnesses, but it also allows parties to make requests for additional time. Recology's request is based on the extensive array of substantive issues that are in dispute in this proceeding, including the number of days of the alleged violation, the start date of the alleged violation, the end date of the alleged violation, the potential for harm, the deviation from the applicable requirement, and the factors relating to culpability and cleanup and cooperation. Given the large proposed penalty that is at stake, additional time at the hearing is warranted to ensure that the parties have a full and fair opportunity to make their presentations. Recology therefore requests a total time of one hour (60 minutes) at the April 16-17, 2015 hearing.

The time periods indicated below are estimations and are based on an overall time limit of 60 minutes. The actual time of the testimony of the individual witnesses may vary, subject to the overall time limit for the presentation of Recology's testimony and arguments. In addition, Recology and its attorneys (Perkins Coie LLP) reserve the right, as provided for in the Hearing Procedure in this matter, to conduct cross-examinations of the prosecution team witnesses, to present arguments, and to make a closing statement, subject to the overall time limit for Recology's presentation.

Phil Graham (15 minutes)

General Manager, Recology

Testimony regarding the permitting and operations at the Feather River Organics site, the compost water collection system, the December 2014 rain events, and Recology's response in completing substantial upgrades to the collection system.

Paul Yamamoto (15 minutes)

Vice President & Group Manager (2006-2014), currently Director of Technology and Engineering, Recology

Testimony regarding the oversight and implementation of the compost water collection system at the Feather River Organics site, the process that Recology followed with its engineers for the design of the collection system, the discussions with Regional Board staff about the compliance process for the site and the collection system, and the benefits provided to the community by the composting operations.

Sally Schoemann (10 minutes)

Senior Consultant, Cardno Inc.

Expert testimony demonstrating that the potential for harm in this proceeding is "minor" as defined in the State Water Resources Control Board's *Water Quality Enforcement*

Policy and that the characteristics of the alleged violation present a minor threat to beneficial uses.

John Braslaw (5-7 minutes)

Director of Business Process Improvement, Recology

Possible testimony on the economic benefit factor under the State Water Resources Control Board's *Water Quality Enforcement Policy* and the U.S. Environmental Protection Agency's BEN model, in the event that the Prosecution Team seeks to introduce new evidence on this issue as part of its rebuttal that it did not introduce as part of its case-in-chief.